

PO ☐ 417 3 Assigned 1706
Misd. ☐ Disposition 1706
Felony ☒ District Off Judge/Magistr.

☐ WRIT
☐ JUVENILE
☐ ALIAS

VS. *carried up to 12-21-88*
• JOHN DOE a/k/a Tommy

Mo. 06 Day 28 Yr. 88
No. of Def's 2
U.S. MAG. CASE NO.

00029 02

OFFENSE ON INDEX CARD Drug Conspiracy

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
21§846	Conspiracy	Count 1 1
21§841(a)(1)	Possession with intent to distribute and distribute cocaine	Count 2 1

DISM. ☒ NG
GUILTY ☒ NOLO

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE <i>10-29-88</i> EARLIEST OF <input type="checkbox"/> arrest <i>ms.c.</i> <input type="checkbox"/> sum'n's <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE <i>6-28-88</i> APPLICABLE <input checked="" type="checkbox"/> indictment filed/unsealed <input type="checkbox"/> consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony W/waiver	KEY DATE <i>1-9-89</i> APPLICABLE <input checked="" type="checkbox"/> 1st appears on pending charge /R40 <input type="checkbox"/> Receive file R20/21 <input type="checkbox"/> Supsdg: <input type="checkbox"/> Ind <input type="checkbox"/> Inf <input type="checkbox"/> Order New trial <input type="checkbox"/> Remand <input type="checkbox"/> G/P Withdrawn <input type="checkbox"/> Dismissal Pled Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Trial (voir dire) began <input type="checkbox"/> Jury <input type="checkbox"/> N.J.

1st appears with or waives counsel *11-15-88* ARRAIGNMENT *1-9-89* 1st Trial Ended RE-TRIAL 2nd Trial Began DISPOSITION DATE SENTENCE DATE PTD ☐ Nolle ☐ Pros. FINAL CHARGES DISMISSED ☐ on S.T. grounds ☐ W.P. ☐ WOP ☐ on def motion ☐ on gov motion

III. MAGISTRATE		DATE	INITIAL/NO.	INITIAL/NO.	OUTCOME:
Search Warrant	Issued				<input type="checkbox"/> DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued				
Arrest Warrant Issued	Served				<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT					
Date of Arrest	OFFENSE (In Complaint)				

Show last names and suffix numbers of other defendants on same indictment/information:

Giannone

ATTORNEYS
KIERAN SHANAHAN

Defense: 1 ☐ CJA. 2 ☒ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☐ PD. 7 ☐ CD

1222 Woodland Drive
Fay, N.C. 28305
484-5519

Bobby Deaver
109 Green St.
Fayetteville, N.C.
28301

Tel # 483-0147

Sen: 5/4/89 - Rad.

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

70 days up: 1/24/89
90 days up: *2/27/88*

FINE AND RESTITUTION PAYMENTS

Docket Entries begin on reversal

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

RULE ☐ 20 ☐ 21 ☐ 40 ☐ In ☐ Out

BAIL • RELEASE

PRE-INDICTMENT

Release Date ☐ Bail Denied ☐ Fugitive ☐ Pers. Rec. ☐ PSA

AMOUNT SET \$ ☐ Conditions ☐ 10% Dep. ☐ Surety Bnd ☐ Collateral ☐ 3rd Prty ☐ Other

POST-INDICTMENT

Release Date *11/21/88* ☐ Bail Denied ☐ Fugitive ☐ Pers. Rec. ☐ PSA

AMOUNT SET \$10,000 ☐ Agreement of Forfeiture *11/21/88* ☐ Surety Bnd ☐ Collateral ☐ 3rd Prty ☐ Other

APPEALS FEE PAYMENTS

DATE		Yr	Docket No.	Def.	MASTER DOCKET - MULTIPLE DEFENDANT CASE		PAGE		OF		VI EXCLUDABLE DELAY			LETTER CODES	
DOCUMENT NO					PROCEEDINGS DOCKET FOR SINGLE DEFENDANT						Start Date	End Date	Ltr Code	Total Days	For identifying periods of excludable delay per 18 USC 3161 (h) (Sections in brackets)
V. PROCEEDINGS															
6-22-88	1.	MOTION TO SEAL INDICTMENT													
	2.	ORDER - It is hereby ordered that the indictment in the above-Captioned case, returned by the Federal Grand Jury on June 21, 1988, be sealed by the Clerk. It is further ordered that the clerk may temporarily unseal the indictment for the purpose of issuing arrest warrants for the deft. and to provide copies of the indictment to the U.S. Attorney. It is further ordered that the clerk unseal and publish the captioned indictment immediately upon the arrest of both defendants or upon request of the U.S. Attorney or upon the expiration of 7 days, whichever event occurs first. Judge Fox.													
6-23-88		Request by U.S. Attorney for warrant for arrest of deft.													
	3.	ISSUED WARRANT Original and one copy of warrant to U.S. Marshal for service no copy of indictment attached.													
11/2/88	--	Advised by Noville Brockington - Deputy Clerk - U.S. Distr. Ct. Florence, S.C. - detention held for deft. today in Florence - deft. was ordered detained - and removed to EDNC - papers are to be forwarded.													
11/4/88	--	RECEIVED - Field Report - 10/29/88 subject arrested by FBI, SC(Bert Mayer) in Myrtle Beach - orig. warrant forwarded to FBI, SC for execution.													
11/10/88		Worksheet - CJA 23 - w/order appointing Federal Public Defender; Order of temporary detention pending hearing pursuant to Bail Reform Act - Order of detention pending trial - Commitment to another district (when U. S. Marshal advises deft. in this district - I. A. to be set & appointment of counsel)													
*6-28-88	4	INDICTMENT FILED - cy: AUSA, USPO, J. Britt, USM, Mag. Dixon, Fay Div. jh													
11/14/88	5	GOVERNMENT'S MOTION FOR DETENTION - NO CERTIFICATE OF SERVICE lc: faxed to Mag. Dixon at Fayetteville by USAtty. ag													
11/15/88	--	RETURN ON WARRANT OF ARREST on Indictment - received 11/7/88 and executed 10/29/88 by Albert J. Mayer, III - FBI													
11/18/88	6.	PRE-TRIAL SCHEDULING ORDER - pre-trial conference 12/5/88 motions 12/15/88 responses 12/27/88 (Wallace W. Dixon, U. S. Mag) lc: U. S. Atty.; Judge Britt; & Gerald Beaver (Per Pam in Fayetteville - she called our office and advised - no name as to whom she talked with - Detention hearing to be held in Fayetteville on 11/21/88)													
11/15/88	--	INITIAL APPEARANCE - Mag. Dixon - Fay. - taped Advised of rights Atty. Bobby Deaver will represent deft. in entire case Court sets bail hearing for 11/21/88 at 11 A.M. Deft. remanded to custody of USM													
	7.	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT - 2cs: USM and lc: USA (Dixon, Mag.)													
11/16/88	--	ISSUED NOTICE TO APPEAR - set for detention hearing on 11/21/88 at 11 A.M. in Fay. - lc: USPO, USM, USA, Joyce Todd, Court Reporter, mr. Deaver, Magistrate Dixon													
11/21/88	--	Detention Hearing - Mag. Dixon - Talley Taylor Ct. Reporter Govern's w/draws motion for detention Court set conditions of release - advised of penalties if conditions not met													

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs Nicholas, Thomas Joseph, Jr.
(formerly John Doe a/k/a Tommy)

88-29-02-Cr-3

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11/21/88	<p>(Document No.)</p> <p>8. ORDER SETTING CONDITIONS OF RELEASE - 3rd party custody bond w/written agreement of forfeiture for 1981 Mark VI automobile executed w/following restrictions on 11/21/88: 1. maintain or actively seek employment Tarheel Tile & Carpet 2. travel restricted to EDNC except as allowed by specific permission from a USPO 3. avoid contact w/John Giannone, and any other person known to USC controlled substances 4. report once a week in person to USPO 5. comply w/curfew work week M-F 10 P.M. weekends and holidays 9 P.M. 6. refrain from poss. firearm, etc., 7. refrain from excessive use of alcohol, etc., including marijuana 8. remain in residence of father's address 9. submit upon demand by USPO to urinalysis testing and search of premises (Dixon, Mag.) bys distr. by Fay. office - 11/22 lc: USPO</p>				
12/16/88	<p>ISSUED NOTICE TO APPEAR - set for arrgn & trial on Monday, January 9, 1989, at 9 A.M.. in Raleigh., N.C. before Judge Britt . - lc: USA & Mr. Deaver</p>				
12/27/88	<p>9. MOTION TO AMEND DOCUMENTS TO REFLECT TRUE NAME OF DEFENDANT w/cs. lc: Judge Britt w/prop. Order</p>				
12/28/88	<p>10. ORDER - deft's name incorrectly captioned in this action ordered that the documents in this action be amended as follows: John Doe, a/k/a "Tommy" should be changed to Thomas Joseph Nicholas, Jr. (Britt, J) Cr. OB#10, P. 91. lc: USA, USPO, USM, Judge Britt, Mag. Dixon and Mr. Deaver (ent. 12/28/88)</p>				
1/9/89	<p>At Raleigh before Judge Britt C. R. Donna Tomawski for government: Christine Dean for deft.: Bobby Deaver Arraignment & trial - A/G. Ct. 2 Deft. sworn - deft. competent Rule 11 conducted Court finds deft. competent to plead</p>				
2-14-89	<p>II. CONDITIONAL - MEMORANDUM OF PLEA AGREEMENT Defts/ M/D SENT: 5/1/89 Raleigh CT. 1 pending TRANSCRIPT OF GUILTY PLEA BEFORE THE HONORABLE W. EARL BRITT January 9, 1989 Volume I of I Pages 1 - 22 Donna Tomawski, Court Reporter</p>				
4/14/89	<p>ISSUED NOTICE TO APPEAR FOR SENTENCING ON MONDAY, MAY 1, 1989 (changed see 4/21) AT 9:00 A. M. in Raleigh, N. C. before Judge Britt 1 cy: counsel for deft. & U. S. Atty. ag</p>				

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
4/21/89	ISSUED AMENDED NOTICE TO APPEAR - now set for sen. on 5/4/89 at 9 A.M. in Raleigh before Judge Britt, instead of 5/1. 1c: USA and Mr. Deaver				sr
5/4/89	RAL - JUDGE BRITT - JO BUSH Ct. Reporter Sentencing 12. JUDGMENT INCLUDING SENTENCING UNDER THE SENENCING REFORM ACT Ct. 2 - 16 months impr. Supervised release for a term of 3 yrs. 1. that he not have on his person or in his possession at any time any controlled substances, specifically including marijuana, and that he submit to a serach of his person or premises without a warrant and submit urinalysis or other testing procedures that may be required by the probation office for the purpsoe of determining his compliance with the terms of supervised release. 2. that he submit to such treatment for drug dependency as may be required by the probation office 3. that he pay a \$3,000 fine, which shall not bear interest under a schedule to be approved by the prob. office, which shall be in at least equal monthly increments during the period of supervised release 4. that he pay restitution to the U.S. Government in the sum of \$1,500.00 without interest in monthly increments under the supervision of the probation office Pay a special assessment in the amount of \$50.00. No cost of incarceration ordered. Deft. is allowed to report at his own expense at 12 o'clock noon on the date designated by the USM to inst. designated by the U.S. Bureau of Prisons. (Britt, J) Cr. OB# 11, P. 52 (ent. 5/4/89)				ay
5-4-89	13. ORDER TO SURRENDER				
6/13/89	14. MARSHALS RETURN ON JUDGMENT AND COMMITMENT - Deft. surrendered on 6/5/89 to Federal Prison Camp Maxwell AFB, Ala. 36112				
8/8/89	-- TRANSCRIPT - Findings of Fact - 2 pages - Jo Bush Court Reporter -1c: USPO				sr